

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS RACHFORD, et al.,

RELATED CASES

Plaintiffs,

No. C 03-1103 PJH

v.

AIR LINE PILOTS ASSOCIATION,
INTERNATIONAL, et al.,

FURTHER CASE MANAGEMENT ORDER

Defendants.

AIR LINE PILOTS ASSOCIATION,
INTERNATIONAL,

Plaintiff,

No. C 03-1449 PJH

v.

EMERY WORLDWIDE AIRLINES, INC.,
et al.,

Defendants.

THOMAS RACHFORD, et al.,

Plaintiffs,

No. C 03-3618 PJH

v.

AIRLINE PILOTS ASSOCIATION,
INTERNATIONAL, et al.,

Defendants.

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The court orders as follows:

Rachford I:

No later than 45 days from the date of the case management conference, Rachford and ALPA must file either a stipulation for the dismissal of ALPA in view of the court's finding that there was no settlement, or absent a stipulation, ALPA must file a motion to dismiss.

1 No later than 45 days from the date of the case management conference, Rachford
2 may file a motion to amend.

3 No later than 30 days from the date of the case management conference, EWA must
4 respond to the current complaint, by answer or motion to dismiss.

5 EWA's request to realign ALPA and Rachford as co-plaintiffs is DENIED, and no
6 further requests in this regard will be entertained.

7 **Rachford II:**

8 The first cause of action against ALPA and the second cause of action against EWW
9 and EWA are DISMISSED as moot in view of the court's finding following the evidentiary
10 hearing that no settlement was reached.

11 ALPA's counterclaims against Luthit and Albright are referred for ENE to be
12 completed within 180 days.

13 No later than 30 days from the date of the case management conference, CNF must
14 respond to the third and fourth causes of action in the current complaint, by answer or motion
15 or dismiss.

16 The deadline for the plaintiffs to find new counsel having passed, the class allegations
17 will be dismissed or stricken if an appearance by substitute counsel is not made by
18 September 16, 2005.

19 **ALPA v. EWA, EWW, CNF:**

20 No later than 30 days from the date of the case management conference, defendants
21 must respond to the current complaint by answer or motion to dismiss.

22 The court will resolve the alter ego issues before arbitration will be compelled. If a
23 motion to dismiss is filed, defendants may address the alter ego issues therein. If a motion to
24 dismiss is not filed, the parties shall submit a stipulation regarding the briefing of any motions
25 going to only the alter ego issues.

26 Defendants' request to stay any arbitration referral pending completion of unrelated
27 state court litigation involving the corporate defendants and their lawyers is DENIED.

1 No hearing will be held on any of the motions referred to in this order, except perhaps
2 for the motions on the alter ego issue. All other motions shall indicate on the cover sheet "To
3 be decided on the papers."

4 IT IS SO ORDERED.

5 Dated: September 9, 2005



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7 PHYLLIS J. HAMILTON
United States District Judge